

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESale PRICE  
LITIGATION

)  
) MDL NO. 1456  
) Civil Action No. 01-12257-PBS  
) Subcategory No. 07-12141

THIS DOCUMENT RELATES TO:

*State of Iowa*

v.

*Abbott Laboratories Inc., et al.*

)  
) Judge Patti B. Saris  
)  
)  
)  
)

**SEPTEMBER 2010 STATUS REPORT FOR THE STATE OF IOWA**

The undersigned counsel for the State of Iowa (hereinafter referred to as “plaintiff”) hereby submits the attached Status Report for September 2010, in accordance with the Court’s June 17, 2004 Procedural Order.

Dated: September 1, 2010

Respectfully submitted,

**KIRBY McINERNEY, LLP**

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By: /s/ Joanne M. Cicala

Joanne M. Cicala

*Counsel for the State of Iowa*

## **September 2010 Status Report for the State of Iowa**

### **Voluntary Dismissal of Claims**

On July 13, 2010, plaintiff filed a notice of voluntary dismissal of claims against defendant Medimmune. *See* Docket No. 7182, Sub-docket 87.

### **Discovery**

#### **1. Schering's Motion for a Protective Order**

On March 5, 2010, defendant Schering filed a motion for protective order and to quash a notice of deposition served by plaintiff on March 1, 2010. *See* Docket No. 6964, Sub-docket No. 70; Docket No. 6965, Sub-docket No. 71.

On March 26, 2010, plaintiff filed its opposition to defendant Schering's motion for protective order. *See* Docket No. 7009, Sub-docket No. 73. This motion remains *sub-judice*.

### **CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that on the 1st day of September, 2010, she caused a true and correct copy of the above September 2010 Status Report for the State of Iowa to be delivered to counsel of record for defendants by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL No. 1456.

Dated: September 1, 2010

/s/ Kathryn B. Allen  
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